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January 19, 2017

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Assist Wireless, LLC Petition for Streamlined Designation as a  
Lifeline Broadband Provider Eligible Telecommunications Carrier;  
Oral Ex Parte Presentation; WC Docket No. 09-197**

Dear Ms. Dortch:

On January 17, 2017, John Heitmann of Kelley Drye & Warren LLP spoke via telephone on behalf of Assist Wireless, LLC (Assist) with Claude Aiken, Legal Advisor to Commissioner Clyburn regarding Assist's pending petition for designation as a Lifeline Broadband Provider (LBP) pursuant to the Lifeline Modernization Order.<sup>1</sup>

During this discussion, I contested the Wireline Competition Bureau's (Bureau's) removal of Assist's petition from streamlined processing. Specifically, I explained that the newly minted LBP designation process already was in danger of becoming a replica of the dysfunctional federal ETC designation and Lifeline-only compliance plan approval processes, through which the Commission has thwarted competitive entry not only in those states where it designates wireless service providers as ETCs, but across the country.<sup>2</sup> By standardizing application requirements and review periods, the LBP designation process was designed to streamline competitive entry, not thwart it.

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3969, para. 22 (2016) (Lifeline Modernization Order).

<sup>2</sup> Assist has had a federal ETC petition pending since April 24, 2013. See *Assist Wireless, LLC Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, the District of Columbia, Florida, New Hampshire, New York, North Carolina, Tennessee, and Virginia*, WC Docket No. 09-197, (Filed Apr. 24, 2013). Assist has had a federal compliance plan pending since April 12, 2013. See *Revised Compliance Plan of Assist Wireless, LLC*, WC Docket Nos. 09-197, 11-42 (filed Apr. 24, 2013).

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I also contested the Bureau's claim that "[i]n determining whether the Bureau should grant a petition for LBP designation, the Bureau should consider the unique 'advantages and disadvantages of the applicant's service offerings.'" <sup>3</sup> I explained that with the Commission's broadband minimum service standards in place, it should approve applicants on a technology- and service-neutral basis so that consumers can determine for themselves—based on their individual circumstances—the advantages and disadvantages of particular service offerings.

Despite the foregoing concerns, I nevertheless highlighted the unique advantages of Assist's Lifeline broadband service offerings. I explained that Assist is an established Lifeline service provider with significant experience in providing no-cost and low-cost broadband to Tribal Lifeline subscribers and in serving those subscribers with an extensive retail presence. Assist will provide customers with no cost or low cost high-quality devices, competitive plan offerings, and affordable top-ups.

I concluded by requesting support for approving Assist's LBP designation so that consumers in states like New York, Florida and elsewhere could gain access to Assist's unique and innovative Lifeline service offerings.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



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*Counsel to Assist Wireless, LLC*

cc: Claude Aiken

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<sup>3</sup> See Lifeline Modernization Order ¶ 22.